

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul V. Cooper	Docket No.:	023438.00043
Application No.:	10/773,118	Group Art Unit:	3746
Filing Date:	February 4, 2004	Examiner:	Scott Kastler
Title:	SUPPORT POST SYSTEM FOR MOLTEN METAL PUMP		

**INFORMATION DISCLOSURE STATEMENT PURSUANT TO
37 C.F.R. §§1.97-1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and pursuant to 37 C.F.R. §§ 1.97-1.98, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents listed on the attached Form PTO-1449. Copies of the foreign patent documents listed on the attached Form PTO-1449 are submitted herewith. Copies of the U.S. patent documents listed on the attached Form PTO-1449 are not required pursuant to 37 C.F.R. §1.98(a)(2)(ii).

The enclosed Form PTO-1449 includes excerpts from documents filed during arbitration proceedings (AAA Case No. 53 117 00283 09) in which Molten Metal Equipment Innovation, Inc. (“MMEI”) asserted infringement against Pyrotek, Inc. (“Pyrotek”) as to various claims in U.S. Patent No. 7,402,276 (“the ‘276 patent”) and U.S. Patent No. 6,303,074 (“the ‘074 patent”), both of which are assigned to MMEI. During the arbitration proceedings, Pyrotek alleged inequitable conduct against Applicant and Applicant’s Representatives during the prosecution of the ‘276 patent and the ‘074 patent. Though the Arbitrator (Donald F. Frei, Esq.) did not find any inequitable conduct on the part of Applicant or Applicant’s Representatives (see Doc. #525055: Excerpts from “Molten Metal Equipment Innovations, Inc.’s Reply Brief in Support of Application to Confirm Arbitration Award and Opposition to Motion to Vacate,” pageID #946), Applicant is providing the excerpts to call the attention of the USPTO to the litigation and the Pyrotek’s inequitable conduct allegations in accordance with MPEP §2001.06(c).

Furthermore, in accordance with MPEP §2010, Applicant affirms that there was no deceptive intent, fraud, or inequitable conduct or “intent to mislead” on the part of Applicant or Applicant’s representative during the prosecution of the ‘276 patent, the ‘074 patent, or the present application.

The submission of the listed documents is not intended as an admission that any such documents constitute prior art against the claims of the present application. Applicant reserves the right to dispute any of the listed documents as prior art during examination. Further, Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Furthermore, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.

Applicant respectfully submits that all pending claims are patentable over the foregoing references, alone or in combination. The Examiner is requested to initial the enclosed Form PTO-1449 and return a copy thereof to the undersigned.

The present Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b)(4), before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Therefore, no fee under 37 C.F.R. §1.17(p) is required.

This statement does NOT authorize charge of the issue fee. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under 37 C.F.R. §§1.16-1.18 (deficiency only) now or hereafter relative to this application and the resulting official document under 37 C.F.R. §1.20, or credit any overpayment to Account No. 19-3878 for which purpose a duplicate copy of this sheet is attached.

Respectfully submitted,

July 30, 2010
Date

By /Alex Starkovich/
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